

**AGENDA - COUNCIL MEETING - TUESDAY - JANUARY 10, 2006 - 1:30 P. M.**  
**COUNCIL CHAMBER - SECOND FLOOR - CITY HALL**  
**901 BAGBY - HOUSTON, TEXAS**  
with notes of action taken

**MOTIONS 2006-0015 to 2006-0039**  
**ORDINANCES – 2006-0016 to 2006-0030**  
**RESOLUTIONS - None**

**2006-0014-1**

**PRAYER AND PLEDGE OF ALLEGIANCE** - Council Member Johnson

**1:30 P. M. - ROLL CALL**

**ADOPT MINUTES OF PREVIOUS MEETING**

**2:00 P. M. - PUBLIC SPEAKERS** - Pursuant to City Council Rule 8, City Council will hear from members of the public; the names and subject matters of persons who had requested to speak at the time of posting of this Agenda are attached; the names and subject matters of persons who subsequently request to speak may be obtained in the City Secretary's Office

**Motion 2006-0015 – Procedural motion**

**5:00 P. M. - RECESS**

**RECONVENE**

**WEDNESDAY - JANUARY 11, 2006 - 9:00 A. M.**

DESCRIPTIONS OR CAPTIONS OF AGENDA ITEMS WILL BE READ BY THE  
CITY SECRETARY PRIOR TO COMMENCEMENT

**MAYOR'S REPORT** - Project Houston Hope - Adult Education Opportunities

**Motion 2006-0016 – Accept report**

**9:00 A.M. - REPORT FROM CITY CONTROLLER AND THE CITY ADMINISTRATION REGARDING THE CURRENT FINANCIAL STATUS OF THE CITY** including but not limited to, a revenue, expenditure and encumbrance report for the General Fund, all special revenue funds and all enterprise funds, and a report on the status of bond funds

**CONSENT AGENDA NUMBERS 1 through 32**

**MISCELLANEOUS** - NUMBERS 1 through 5

**1. Motion 2006-0018**

REQUEST from Mayor for confirmation of the appointment of the following to the **HOUSTON LIBRARY BOARD OF DIRECTORS**:

Position One - **MS. ANN SHORT**, for an unexpired term ending 3/1/2006  
Position Thirteen - **MS. SUSAN A. HUNT**, for a term to expire 3/1/2007  
Position Fourteen - **MR. ROBERT B. TUDOR, III**, for an unexpired term ending 3/1/2007  
Position Fifteen - **MS. ALISON LELAND**, for an unexpired term ending 3/1/2006  
Position Seventeen - **MS. JUANITA ELIZONDO**, for an unexpired term ending 3/1/2007

**2. Council Member Wiseman tagged**

RECOMMENDATION for approval of the **GREATER HARRIS COUNTY 9-1-1 EMERGENCY NETWORK** Budget for Fiscal Year 2006 - January 1, 2006 through December 31, 2006

**3. Motion 2006-0029**

RECOMMENDATION from Director Building Services to debar **STEPHENS CONSTRUCTION SERVICES** and **W. BRIAN STEPHENS**, President from receiving City public works contracts for a period of two years

**4. Council Members Sekula-Gibbs, Clutterbuck, Lawrence and Khan tagged**

RECOMMENDATION from Director Finance & Administration Department for renewal of membership in the **TEXAS MUNICIPAL LEAGUE** - 1 Year - \$68,694.00 - General Fund

**5. Ordinance 2006-0018**

ORDINANCE appropriating \$84,068.46 out of Street & Bridge Consolidated Construction Fund as additional funding for contract with **LONE STAR ROAD CONSTRUCTION, LTD.** for Bertner Bridge and Paving, Package II, Bertner Bridge, GFS N-0722-02-3 (SB9089-2), (approved by Ordinance No. 04-622) - **DISTRICT D - EDWARDS**

**a. Motion 2006-0021**

RECOMMENDATION from Director Department of Public Works & Engineering for approval of Change Order No. 4 for \$84,068.46 on contract with **LONE STAR ROAD CONSTRUCTION, LTD.** for Construction of Bertner Bridge and Paving, Package II, Bertner Bridge, GFS N-0722-02-3 (SB9089-2) - **DISTRICT D - EDWARDS**

**DAMAGES** - NUMBER 6

**6. Motion 2006-0030**

RECOMMENDATION from City Attorney for settlement of claims styled **SOUTHWESTERN BELL TELEPHONE, L.P.** vs. City of Houston; in the County Civil Court at Law No. One (1) of Harris County, Texas; Cause No. 813,747 - \$62,500.00 - Property and Casualty Fund

**ACCEPT WORK** - NUMBERS 7 through 11A

**7. Motion 2006-0031**

RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$13,341,415.80 and acceptance of work on contract with **STEWART-MATL, LTD.** for New ARFF Stations at George Bush Intercontinental Airport/Houston Project No. 521B, CIP A-0008 and A-0422 - 03.02% over the original contract amount - **DISTRICT B - JOHNSON**

**ACCEPT WORK** - continued

**8. Motion 2006-0022**

RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$11,681,769.73 and acceptance of work on contract with **W. W. WEBBER, INC** for Runway 8L-26R Clearing, Grading & Drainage at George Bush Intercontinental Airport/Houston Project No. 522B, CIP A-0304 - 02.31% under the original contract amount - **DISTRICT B - JOHNSON**

**9. Motion 2006-0032**

RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$26,838,859.27 and acceptance of work on contract with **SWINERTON BUILDERS (Formerly known as SWINERTON & WALBERG CO.)** for Terminals A & B Utility/Code Upgrades at George Bush Intercontinental Airport/Houston Project No. 531, CIP A-0318 and A-0327 - 03.71% over the original contract amount - **DISTRICT B - JOHNSON**

**10. Motion 2006-0033**

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$549,883.35 and acceptance of work on contract with **HARD ROCK CONSTRUCTION, INC** for Safe Sidewalk Program C2 Project, GFS N-0610A-C2-3 (SB9049-2) 13.22% under the original contract amount - **DISTRICTS C - CLUTTERBUCK; F - KHAN and G - HOLM**

**11. Ordinance 2006-0019**

ORDINANCE appropriating \$15,479.10 out of Water & Sewer System Consolidated Construction Fund as additional funding for contract with **RELIANCE CONSTRUCTION SERVICES, L.P.** for Water Line Replacement in Kennedy Heights Subdivision, GFS S-0035-KH-3 (WA10086-3), (approved by Ordinance No. 03-0201) - **DISTRICT D - EDWARDS**

**a. Motion 2006-0023**

RECOMMENDATION from Director Department of Public Works & Engineering for approval of Change Order No. 2 in the amount of \$37,251.38, final contract amount of \$619,612.89 and acceptance of work on contract with **RELIANCE CONSTRUCTION SERVICES, L.P.** for Construction of Water Line Replacement in Kennedy Heights Subdivision, GFS S-0035-KH-3 (WA10086-3) - 07.69% over the original contract amount - **DISTRICT D - EDWARDS**

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 12 through 17

**12. Council Member Sekula-Gibbs tagged**

**STARTEX GASOLINE & OIL DISTRIBUTORS, INC** - \$26,229.36, **WASTE MANAGEMENT OF TEXAS, INC** - \$79,821.70 and **SUN COAST RESOURCES, INC** - \$128,558.91 to Address Emergency Disaster Recovery - General and Fleet Management Funds

**13. Motion 2006-0024**

**SECOA, INC (Bid No. 1)** for Theater House Curtains for Convention & Entertainment Facilities Department - \$39,339.00 - Enterprise Fund

**14. Motion 2006-0025**

**NATIONAL WATER WORKS, INC** for PVC Gravity SDR-35 Sewer Pipe and Fittings Contract for Department of Public Works & Engineering - \$114,290.04 - Enterprise Fund

**15. Motion 2006-0026**

**BERGER CONSTRUCTION COMPANY** for ADA Modifications at 4200 and 4215 Leeland for Department of Public Works & Engineering - \$121,632.00 and contingencies for a total amount not to exceed \$127,713.60 - Enterprise Fund

**PURCHASING AND TABULATION OF BIDS** - continued

**16. Motion 2006-0027**

**EPSCO INTERNATIONAL, INC** for Repair and Reline Fiberglass Reinforced Plastic Storage Tanks for Department of Public Works & Engineering - \$40,900.00 - Enterprise Fund

**17. Motion 2006-0028**

**HEIL OF TEXAS** for Petersen Rear Steer Loader Replacement Parts and Service for Solid Waste Management Department - \$438,000.00 - General Fund

**ORDINANCES** - NUMBERS 18 through 32

**Motion 2006-0017 – Suspend rules to consider Items 18, 32 and 19 after Item 1**

**18. Ordinance 2006-0016**

ORDINANCE approving and authorizing Joinder Agreement between the City and **HOUSTON HOST COMMITTEE, INC** for the 2006 National Basketball Association All-Star Game; authorizing allocation and payment of \$310,800.00 to the State Comptroller - Enterprise Fund

**19. Council Members Wiseman and Sekula-Gibbs tagged**

ORDINANCE amending Ordinance No. 2005-1022 which created the Hurricane Katrina Aid and Recovery Fund to expand the purposes for which the fund may be used to include increased public safety needs for a larger population resulting from Hurricane Katrina

**20. Ordinance 2006-0027**

ORDINANCE establishing the north side of the 1700 block of Albans Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT C - CLUTTERBUCK**

**21. Ordinance 2006-0020**

ORDINANCE establishing the south side of the 2400 and 2500 blocks of Eagle Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT I - ALVARADO**

**22. Ordinance 2006-0021**

ORDINANCE establishing the north side of the 4400 block of Gibson Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - GARCIA**

**23. Ordinance 2006-0028**

ORDINANCE appropriating \$21,500,000.00 out of Fund 626, C&E CP2002 Series A Construction Fund and approving and authorizing an Interlocal Agreement between the City of Houston and the Houston Downtown Park Corporation, a Texas Non-Profit Local Government Corporation Created by the City of Houston, to finance the construction of an Underground Parking Garage to be constructed in and on the City's Convention Center Parking Easement located under and across 5.46 acres of land, more or less, being portions of Blocks 122, 123, 124 and 125, Southside Buffalo Bayou; approving and authorizing a lease agreement between the City, as landlord, and Houston Downtown Park Corporation, as tenant, for the Convention Center Parking Easement; and approving and authorizing a Garage Development Management Agreement among the Houston Downtown Park Corporation, the Houston Downtown Park Conservancy and the City of Houston for the design, construction and construction management of the Underground Parking Garage on the Convention Center Parking Easement; approving necessary documents related thereto; making various findings and provisions related thereto - **DISTRICT I - ALVARADO**

**ORDINANCES** - continued

**24. Council Members Clutterbuck, Khan and Johnson tagged**

ORDINANCE approving and authorizing agreement for APM Operations and Maintenance Services at George Bush Intercontinental Airport, by and between the City of Houston and **JOHNSON CONTROLS, INC**; providing a maximum contract amount - \$20,393,000.00 Enterprise Fund - **DISTRICT B - JOHNSON**

**25. Ordinance 2006-0022**

ORDINANCE appropriating \$95,000.00 out of Airport System Consolidated 2000 AMT Construction Fund (530); authorizing purchase of land and improvements thereon out of replat of Still Meadows Section One, Houston, Harris County, Texas, for Expansion of Bush Intercontinental Airport, CIP A-0421-09.1; approving purchase and sale agreement with the owner of the land (North Houston Commercial, Ltd.) - **DISTRICT B - JOHNSON**

**26. Pulled-Not Considered**

ORDINANCE appropriating \$276,979.42 out of Water & Sewer System Consolidated Construction Fund and \$210,000.00 out of Tax Increment Reinvestment Zone Affordable Housing Fund; approving and authorizing Developer Participation Contract between the City of Houston and **INDIVISA CORPORATION** for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve Section One of the Pine Tree Subdivision, CIP S-0800-H5-03 & R-0800-H5-03 **DISTRICT B - JOHNSON**

**27. Council Member Johnson tagged**

ORDINANCE appropriating \$194,767.94 out of Water & Sewer System Consolidated Construction Fund and \$187,993.11 out of Tax Increment Reinvestment Zone Affordable Housing Fund; approving and authorizing Developer Participation Contract between the City of Houston and **INDIVISA CORPORATION** for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve Section Two of the Pine Tree Subdivision, CIP S-0800-H6-03 & R-0800-H6-03 **DISTRICT B - JOHNSON**

**28. Ordinance 2006-0023**

ORDINANCE appropriating \$2,415,160.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **KUO & ASSOCIATES, INC** for Design of Water Line Replacement in Briar Park & Gulf Meadows II, GFS S-0035-L1-2, Del Monte, GFS S-0035-L2-2, Oak Estate, GFS S-0035-L3-2, Spring Oaks, GFS S-0035-L4-2 and Broad Oaks, GFS S-0035-L5-2; providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS A - LAWRENCE; E - WISEMAN and G - HOLM**

**29. Ordinance 2006-0024**

ORDINANCE appropriating \$1,758,700.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **ARCADIS G&M, INC** for the Design of Water Line Replacement in Fontaine Place, GFS S-0035-M1-2, Noble-South, GFS S-0035-M2-2, Clinton-West, GFS S-0035-M3-2 and Gardendale, GFS S-0035-M4-2; providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS B - JOHNSON and H - GARCIA**

**ORDINANCES** - continued

**30. Ordinance 2006-0025**

ORDINANCE appropriating \$1,485,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **OMEGA ENGINEERING, INC** for the Design of Water Line Grid Replacement in Alabonson, GFS S-0035-M5-2, Mangum Manor-South, GFS S-0035-M6-2 and Timber Oaks West, GFS S-0035-M7-2; providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund **DISTRICTS A - LAWRENCE and B - JOHNSON**

**31. Ordinance 2006-0026**

ORDINANCE appropriating \$493,450.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **KIT PROFESSIONALS, INC** for Design of Water Line Grid Extensions at various locations, GFS S-0700-63-2 (WA10868); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS C - CLUTTERBUCK; D - EDWARDS; G - HOLM and I - ALVARADO**

**Motion 2006-0019 – Suspend rules to hear Mr. Milton Wilson on Item 32**

**Motion 2006-0020 – Amend Item 32 to change caption and agreement to appropriate \$3,748,000.00**

**32. Ordinance 2006-0017 – Adopt as amended**

ORDINANCE appropriating ~~\$4,000,000.00~~ \$3,748,000.00 out of Parks Consolidated Construction Fund and approving and authorizing restated and amended interlocal agreement between the City and **HARRIS COUNTY** for Design and construction of an Aquatic Center and de-obligating Community Development Block Grant (“CDBG”) Funds approved under the original interlocal agreement between the City and Harris County authorized by Ordinance No. 05-0092

**END OF CONSENT AGENDA**

**CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA**

**NON CONSENT AGENDA** - NUMBER 33

**MISCELLANEOUS**

**33. Motion 2006-0034**

MOTION to set a date not less than seven days from January 11, 2006 to receive nominations for Positions One, Two and Two Alternate At-Large Positions of the **HOUSTON-GALVESTON AREA COUNCIL BOARD OF DIRECTORS**, for one-year terms to expire December 31, 2006

**MATTERS HELD** - NUMBERS 34 through 38

**34. Motion 2006-0035 - Adopt**

MOTION by Council Member Khan/Seconded by Council Member Alvarado to adopt recommendation from Director Department of Public Works & Engineering for approval of final contract amount of \$2,241,210.58 awarded to **ENVIRONMENTAL ENGINEERS AND CONSTRUCTORS II, LTD.** and acceptance of work by final payment to the surety, **ST. PAUL TRAVELERS BOND, SURETY COMPANY** for Chocolate Bayou Wastewater Treatment Plant Improvements, GFS R-0512-10-3 (4768-3) - 00.66% over the original contract amount - **DISTRICT D - EDWARDS**

**TAGGED BY COUNCIL MEMBERS EDWARDS and GREEN**

This was Item 5 on Agenda of January 4, 2006

**35. Motion 2006-0036 – Postpone two (2) weeks**

RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel AY5-042, located in the 1200 block of Allen Street, owned by Southern Pacific Transportation Company, Paul G. Farrell, Senior Manager Contracts, for the **HOUSTON HERITAGE CORRIDOR BAYOU TRAILS EAST HIKE AND BIKE PROJECT**, CIP N-0420-17A-1 \$356,675.00 - Street and Bridge Consolidated Construction Fund - **DISTRICT H - GARCIA**

**TAGGED BY COUNCIL MEMBER GARCIA**

This was Item 7 on Agenda of January 4, 2006

**36. Motion 2006-0037 – Adopt**

MOTION by Council Member Khan/Seconded by Council Member Alvarado to adopt recommendation from Finance & Administration Department to **AMEND MOTION #2000-1552, 12/20/00, as amended by MOTION #2003-1450 and #2004-1056 TO EXTEND** expiration date from June 22, 2006 to June 30, 2009, and **TO INCREASE** spending authority from \$1,429,193.40 to \$2,626,842.20 for a Vehicle Locator System for Various Departments, awarded to **TELETRAC, INC** - General, Enterprise and Other Funds - **TAGGED BY COUNCIL MEMBER WISEMAN**

This was Item 9 on Agenda of January 4, 2006

**Motion 2006-0038 – Written motion by Council Member Wiseman to amend Item 37 as follows:**

"In Section 2, which add Article XIV to Chapter 40 of the Code of Ordinances, Houston, Texas, by:

1. Amending Item (4) of Subsection (b) of Section 40-432 to read as follows:

"(4) A vehicle located on private property that has affixed on the windshield a notarized statement from the property owner or authorized agent indicating that the vehicle owner has permission to sell the vehicle on the property. The notarized statement shall include the name, address and telephone number of the property owner or authorized agent. If the property owner is a partnership or corporation, the notarized statement shall include the name, address, and telephone number of one of the partners or one of the principals."

2. Amending Subsection (b) of Section 40-434 to read as follows:

"(b) The owner or operator of a vehicle has the right to contest the towing of the vehicle under chapter 685 of the Texas Transportation Code. A hearing under chapter 685 shall be in the justice court having jurisdiction in the precinct in which the vehicle storage facility is located."

**- ADOPTED**

**MATTERS HELD** - continued

**37. Ordinance 2006-0029 – Adopt as amended**

ORDINANCE AMENDING CHAPTER 40 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, relating to the Sale of Used Motor Vehicles at certain locations; containing findings and other provisions relating to the foregoing subject; providing for severability

**TAGGED BY COUNCIL MEMBERS WISEMAN and KHAN**

This was Item 10 on Agenda of January 4, 2006

**38. Ordinance 2006-0030**

ORDINANCE approving and authorizing interlocal agreement between the City and HARRIS COUNTY FLOOD CONTROL DISTRICT for Channel Improvements along Vogel Creek from Confluence of White Oak Bayou to Arncliffe Drive, GFS N-0793-01-2 (SB9220) - **DISTRICTS**

**A - LAWRENCE and B - JOHNSON** - TAGGED BY COUNCIL MEMBER LAWRENCE

This was Item 15 on Agenda of January 4, 2006

**Motion 2006-0039 – Suspend rules to remain in session beyond the scheduled noon recess**

**MATTERS TO BE PRESENTED BY COUNCIL MEMBERS** - Council Member Alvarado first

**ALL ORDINANCES ARE TO BE CONSIDERED ON AN EMERGENCY BASIS AND TO BE PASSED ON ONE READING UNLESS OTHERWISE NOTED, ARTICLE VII, SECTION 7, CITY CHARTER**

1/10/2006 – All Present

1/11/2006 – All Present